

## § 221.178

immediate explanation of any term incorporated concerning the subjects listed in paragraph (b)(2) or identified in paragraph (d) of this section.

(d) *Direct notice of certain terms.* A passenger, shipper or consignee must receive conspicuous written notice, on or with the ticket, airwaybill, or other similar document, of the salient features of any terms that (1) restrict refunds of the price of the transportation, (2) impose monetary penalties on passengers, shippers, or consignees, or (3) permit a carrier to raise the price: *Provided*, That the notice specified in paragraph (d)(3) of this section is not required where a passenger ticket is sold pursuant to an effective tariff rule which provides that the terms and conditions of the contract of carriage, including the price of the ticket, are not subject to any future adjustment during the validity of the ticket, or the ticket is sold for transportation commencing on the same day.

[53 FR 52677, Dec. 29, 1988]

## § 221.178 [Reserved]

### § 221.179 Transmission of tariff filings to subscribers.

(a) Each carrier required to file tariffs in accordance with this part shall make available to any person so requesting a subscription service as described in paragraph (b) of this section separately for its passenger tariffs and its freight tariffs issued by it or by a publishing agent on its behalf.

(b) Under the required subscription service one copy of each new tariff, supplement, and loose-leaf page, including the justification required by § 221.165, must be transmitted to each subscriber thereto by first-class mail (or other equivalent means agreed upon by the subscriber) not later than one day following the time the copies for official filing are transmitted to the Board. The subscription service described herein shall not preclude the offering of additional types of subscription services by carriers or their agents.

(c) The carriers or their publishing agents at their option may establish a charge for providing the required subscription service to subscribers: *Provided*, That the charge may not exceed

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a reasonable estimate of the added cost of providing the service.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95–504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732; 49 U.S.C. 1302, 1324, 1373, and 1386)

[ER–1001, 42 FR 28877, June 6, 1977, as amended by ER–1125, 44 FR 33059, June 8, 1979]

## Subpart O—Rejection of Tariff Publications

### § 221.180 Board's authority to reject.

Under the terms of section 403(a) of the act, the Board is empowered to reject any tariff publication which is not consistent with section 403 of the act or with the regulations in this part.

### § 221.181 Notification of rejection.

When a tariff publication is rejected, the issuing carrier or agent thereof will be notified in writing that the publication is rejected and of the reason for such rejection. The rejected publication will not be returned to the issuing carrier or issuing agent.

### § 221.182 Rejected publication is void and must not be used.

A tariff publication rejected by the Board is void and is without any force or effect whatsoever. Such rejected tariff publication must not be used.

### § 221.183 Tariff publication issued in lieu of rejected publication.

When a publication is rejected by the Board, the number which it bears must not be again used. Such publication must not thereafter be referred to as canceled or amended but a publication that is issued in lieu of such rejected publication shall bear the following notation (to be shown in the manner described in paragraphs (a), (b), and (c) of this section):

(Issued in lieu of \_\_\_\_\_ rejected by C.A.B.) (Show number of rejected publication)

(a) If the rejected publication is a tariff, the tariff which is issued in lieu thereof shall show the above required notation under its C.A.B. number on the title page in the manner shown in the following example:

C.A.B. No. 3

(Issued in lieu of C.A.B. No. 2 rejected by  
C.A.B.)

cancels

C.A.B. No. 1

(b) If the rejected publication is a loose-leaf tariff page, the page which is issued in lieu thereof shall show the required notation under the page number in the manner shown in the following examples:

(1) When new page is issued in lieu of a rejected original page:

1st Revised Page 10

(Issued in lieu of Original Page 10

rejected by C.A.B.)

(2) When new page is issued in lieu of a rejected revised page:

3rd Revised Page 16

(Issued in lieu of 2nd Revised Page 16  
rejected by C.A.B.)

cancels

1st Revised Page 16

(c) If the rejected publication is a supplement, the supplement which is issued in lieu thereof shall show the required notation under the supplement number in the manner shown in the following example:

Supplement No. 3 (Issued in lieu of  
Supplement No. 2

rejected by C.A.B.) to

C.A.B. No. 1

(Cancels Supplement No. 1)

Supplement No. 3 is the only effective supplement.

**§ 221.184 Issue page in lieu of rejected loose-leaf page within 20 days.**

If a rejected loose-leaf tariff page is published on the reverse side of another page which has not been rejected, a page shall be issued and filed in lieu of the rejected page within 20 days after the date of the rejection notice, and the page on the reverse side of the rejected page shall be reissued on lawful notice.

**Subpart P—Special Tariff Permission To File on Less Than Statutory Notice**

**§ 221.190 Grounds for approving or denying Special Tariff Permission applications.**

(a) *General authority.* The Board is authorized, when actual emergency or real merit is shown, to permit changes in rates, fares, or other tariff provisions on less than the statutory notice required by section 403 of the Act.

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

(1) *Clerical or typographical errors.* Clerical or typographical errors in tariff publications constitute grounds for approving applications for Special Tariff Permission to file on less than statutory notice the tariff changes necessary to correct such errors. Each application for Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be presented to the Board with reasonable promptness after issuance of the defective tariff publication.

(2) *Rejection caused by clerical or typographical errors or illegibility.* Rejection of a tariff publication caused by illegible printing (in matter reissued without change) or by clerical or typographical errors constitutes grounds for approving applications for Special Tariff Permission to file on less than statutory notice, effective not earlier than the original effective dates in the rejected publication, all changes contained in the rejected publication but with the errors corrected. Each application for the grant of Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be filed with the Board within five days after receipt of the Board's notice of rejection.

(3) *Incorrect page cancellation caused by rejection of prior issue.* When a revision of a loose-leaf page bears incorrect